THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.2810 and 2930 of 2002

Dated: 22-06-2006

W.P.No.2810 of 2002:

Between:

Smt. Devamma and others.

..... PETITIONERS

AND

State of A.P., rep. by its Special Chief Secretary,
Hyderabad, and another.

.....RESPONDENTS

W.P.No.2930 of 2002:

Between:

P. Narasimha Reddy and others.

..... PETITIONERS

AND

The Government of A.P., rep. by its Special Chief Secretary,
Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION Nos.2810 and 2930 of 2002

COMMON ORDER:

The petitioners filed the writ petition assailing the notification issued by the government of Andhra Pradesh vide G.O.Ms.No.751 Revenue (Registration I) Department, dated 12-12-2001. Be it noted that by the said notification, the government of Andhra Pradesh, in exercise of powers under Section 22-A of the Registration Act, 1908 (the Registration Act, for brevity) as amended by the Registration (Andhra Pradesh Amendment) Act, 1999, declared registration of documents of immoveable properties in respect of the land in survey No.60 situated at Karmanghat Village as opposed to public policy. The notification is assailed on various grounds.

The learned Assistant Government Pleader for Revenue (General) has brought to the notice of this Court that subsequent notification issued by the Government vide G.O.Ms.No.807 dated 13-10-2004 denotified the land in survey No.60 along with other lands, therefore, there cannot be any prohibition for registering the sale deed presented by the petitioners. In view of the same, cause of action does not survive. Even otherwise a division Bench of this Court in W.P.Nos.14099 of 2003 and batch by common order dated 07-12-2005 declared Section 22-A of the Registration Act as unconstitutional and therefore, the government has no power to issue any notification prohibiting registration.

In view of the above, the writ petitions succeed and are accordingly allowed, and G.O.Ms.No.751 dated 12-12-2001 is set aside, directing the third respondent or any other Registering Officer to accept the document presented by the petitioners and to consider the same for registration. Be it noted, if for any reason, the document is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Registration Act. No costs.

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V.V.S.RAO, J

22nd June, 2006

ghn